

**REMARKS/ARGUMENTS**

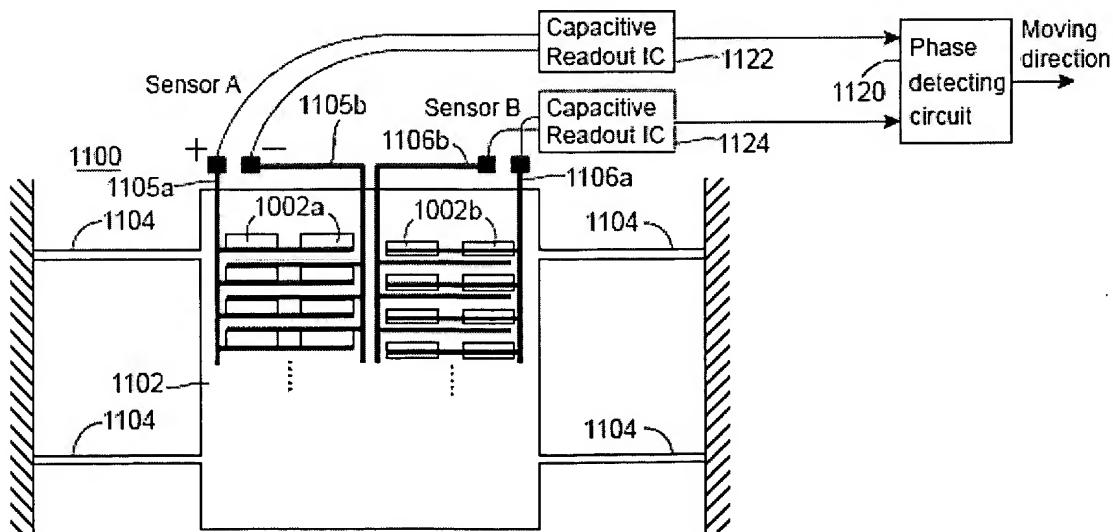
Claims 1, 6, 8, and 13 are amended by this response. Claims 5, 7, and 11 are canceled. Accordingly, claims 1-4, 6, 8-10, and 12-14 remain pending.

In the latest Office Action received, the Examiner objected to the Oath/Declaration for failing to identify the mailing address of each inventor. Applicant hereby notes that the Application Data Sheet (ADS) filed with the application on March 10, 2004, provides the mailing addresses for the inventors. Accordingly, it is requested that the objection to the Oath/Declaration be withdrawn.

Also in the latest Office Action, the Examiner indicated that claim 13 would be allowed if amended to incorporate the elements of the parent independent claim and any intervening dependent claims. This has now been done, and in addition claim 6 has now been amended to depend from claim 13. Accordingly, it is respectfully asserted that claims 6 and 13 are now in condition for allowance.

The Examiner has rejected the remaining pending claims as either as anticipated by U.S. patent nos. 5,982,608 or 6,110,791 to Kalnitsky et al. ("the Kalnitsky Patents"), or obvious in light of the Kalnitsky Patents. These claim rejections are traversed as follows.

The present invention relate to sensor devices, and methods of fabricating such devices. In one embodiment shown in Figure 11 of the instant application, a sensor can detect movement in a direction parallel to an electrode plane:



[0101] Mass plate 1102 defines two hole arrays 1102a and 1102b overlying electrode pairs 1105a-b and 1106a-b respectively. With horizontal acceleration, mass plate 1102 experiences movement in the lateral direction relative to the underlying electrodes.

[0102] Since the holes move horizontally along with the mass plate, the rate of occupation of space by dielectric material (as opposed to occupation of space by air), changes above the comb-shaped electrodes.

Pending independent claim 1 accordingly recites as follows:

1. A sensor comprising:  
a substrate bearing a first electrode coplanar with a second electrode; and  
a dielectric seismic mass overlying and separated from the electrodes by a gap, wherein movement of the seismic mass parallel to the electrode plane alters a rate of occupation of space by the dielectric material in a fringe electric field arising between the electrodes. (Emphasis added)

As a threshold matter, the Examiner is reminded that certain of claims stand rejected as anticipated, and not merely obvious, in light of the Kalnitsky Patents:

[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.02)

Moreover, in order to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2142.

Here, the references relied upon by the Examiner signally fail to teach, or even suggest, detecting movement in a direction parallel to an electrode plane, as is recited by independent claim 1. Specifically, as shown in Figures 2-2A of the Kalnitsky Patents, these references describe only detection of movement in perpendicular to the electrode plane:

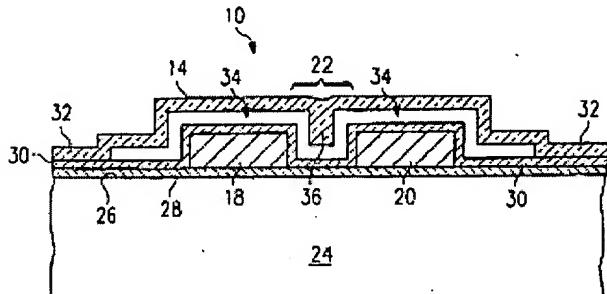


FIG. 2

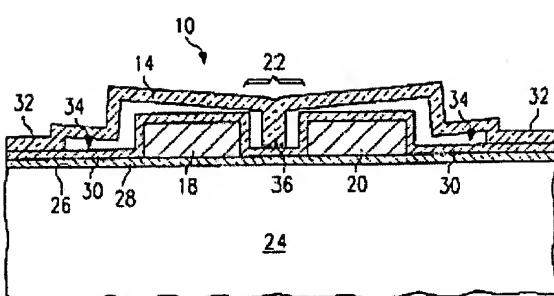


FIG. 2A

There is no teaching or even suggestion in the Kalnitsky patents, regarding detecting movement in a direction other than perpendicular to the electrode plane. This is true notwithstanding the Examiner's assertion that such disclosure is present at Fig. 2A and col. 1, lines 32-36 of the Kalnitsky Patents. Applicant's review of the cited figure and passage in each of the Kalnitsky Patents, utterly fails to reveal any support for the a finding of anticipation or even obviousness of the pending claims.

Based upon the failure of the art relied upon by the Examiner to teach, or even suggest, every element of pending independent claim 1, it is respectfully asserted that claim 1 and other claims depending therefrom, are not anticipated or obvious. Continued rejection of the claims on obviousness grounds is improper, and the claim rejections should be withdrawn.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Kent J. Tobin  
Reg. No. 39,496

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400; Fax: 415-576-0300  
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